

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of Jingrui Wu *et al.*

Serial No. 10/678,588

Filed: 10/02/2003

For: Yield-Improved Transgenic Plants

Art Unit: 1645

Examiner: not yet known


**Certificate of Mailing
Petition for Extension of Time
Response to Notice to File Missing Parts
Sequence Statement**

I hereby certify that this communication including

- (a) Copy of Notice to File Missing Parts,
- (b) Petition for Extension of Time,
- (c) Inventor's Declaration,
- (d) Filing fee,
- (e) CD-ROMs with substitute sequence listing, and
- (f) Sequence Statement

is being deposited with the United States Postal Service on May 20, 2004 as first class mail addressed to

MS Missing Parts
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450


Thomas E. Kelley
Registration No. 29,938

05/25/2004 MBLANCO 00000003 134125 10678588

04 FC:1253

950.00 DA

Petition for Extension of Time

Applicant hereby requests under the provisions of 37 CFR 1.136(a) an extension of three months to the period for response to the Notice to File Missing Parts dated 01/02/2004 which was set to expire on 03/02/2004. This request will extend the expiration of the period for filing missing parts to 06/02/2004. The \$950 fee for 3 month extension is paid on the enclosed Fee Transmittal for FY 2004.

Response to Notice to File Missing Parts

Responsive to the Notice to file missing parts, i.e. filing fee, oath or declaration and CRF, enclosed are a copy of the Notice, an inventor's declaration, a Fee Transmittal and substitute sequence listing.

Applicant filed with this application a paper copy of the sequence listing from priority application Serial No. 60/463,787 with a request to transfer the CRF from that application. In the Notice to file missing parts the Office indicated that the original request to transfer the CRF from another application could not be complied with since there is no compliant CRF present at the Office. Provided herewith on CD-ROM is a CRF of the sequence listing from Serial No. 60/463,787 modified only in field <110> with the first named applicant of this application, in field <120> with the title of this application, in field <130> with the docket number of this application and by name and date of the file. For the convenience of the Office also enclosed on CD-ROM are copies 1 and 2 of the sequence listing with such changed fields. Applicant hereby requests that

the Office replace the originally-filed paper copy of the sequence listing with the sequence listing provided on the enclosed CD-ROMs.

Statement about content of Sequence Listing

In accordance with 37 CFR 1.821(e), 1.821(f) , 1.821(g) 1.825(b) and 1.825(d) applicant hereby certifies that, except for the above-noted changes to identifying data in fields <110., <120> and <130> and in the name and date of the file, the contents of the sequence listing , i.e. the substitute data, recorded on the enclosed CD-ROMs labeled copy 1, copy 2 and CRF is identical to the sequence listing data that was originally filed on paper in this application on October 2, 2003 and in paper and CRF in prior application Serial No. 60/463,787, filed April 18, 2003 and that the substitute copies of sequence listing submitted herewith includes no new matter.

Respectfully submitted,



Thomas E. Kelley
Registration No. 29,938
Applicant's Attorney
Phone: 860-572-5274

Enclosures:

Declaration by Inventors Jingrui Wu et al.
Fee Transmittal for FY 2004
Copy of Notice to File Missing Parts
3 CD-ROMs of Sequence Listing – Copy 1, Copy 2 and CRF